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OFFICE OF PETITIONS

In re Application of :
Haeupl et al. :
Application No. 10/727,167 : DECISION REFUSING STATUS
Filed: December 1, 2003 : UNDER 37 CFR 1.47(a)
Attorney Docket No. F-8070 :
Title: Tools For Diagnostics, Molecular Definition :
and Therapy Development for Chronic :
Inflammatory Joint Disease :

This is in response to the petition filed August 19, 2004, under 37 CFR. §1.47(a).

The petition under 37 CFR. §1.47(a) is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR. §1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **Failure to respond will result in abandonment of the application.** Any extensions of time will be governed by 37 CFR. §1.136(a).

The above-identified application was filed on December 1, 2003, without an executed oath or declaration. Accordingly, on March 17, 2004, applicant was mailed a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted," requiring for the purposes of this decision an executed oath or declaration in compliance with §1.63, and a surcharge for its late filing. This Notice set an extendable two-month period for reply of May 17, 2004. A reply was submitted on April 5 and April 6, 2004. The Office mailed a Notice of Incomplete reply on April 15, 2004 stating that the time period continued to run from the original Notice.

In reply, applicant filed a petition, and declaration of Helmut Wehlan. To make the reply timely, a three (3) month extension of time was also submitted.

A grantable petition under 37 CFR. §1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented

The instant petition does not satisfy requirements (1).

Further correspondence with respect to this matter should be addressed as follows:

By facsimile: (571) 273-8300

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3215.

Charlene R. Hunt

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